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Counsel for Plaintiff Interlink Products International, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

INTERLINK PRODUCTS
INTERNATIONAL, INC., a New Jersey
corporation,

Plaintiff,

v.

DREW BOHAN, in his official capacity as
Executive Director of the California
Energy Commission; and

MELISSA RAE KING, in her official
capacity as Assistant Executive Director of
the California Energy Commission,

Defendants.

No. 2:20-CV-02277-KJM-CKD

**STIPULATION AND ORDER RE
CONSOLIDATION OF CASES AND
FILING OF FIRST AMENDED
COMPLAINT**

INTERLINK PRODUCTS
INTERNATIONAL, INC., a New Jersey
corporation,

Plaintiff,

v.

XAVIER BECERRA, in his official capa-
city as Attorney General of California; and

DREW BOHAN, in his official capacity as
Executive Director of the California
Energy Commission; and

MELISSA RAE KING, in her official
capacity as Assistant Executive Director of
the California Energy Commission,

Defendants.

No. 2:20-CV-02283-KJM-CKD

1 Plaintiff Interlink Products International, Inc. (“Interlink”), and Defendants Xavier
2 Becerra,¹ Drew Bohan, and Melissa Rae King (“Defendants”), stipulate as follows:

3 WHEREAS, on June 23, 2020, Interlink commenced an action against Wade Crowfoot,
4 Drew Bohan, Melissa Rae King, and Lea Haro, in their capacities as California government
5 officials, in the United States District Court for the District of New Jersey (the “New Jersey
6 district court”), which action bore case number 2:20-cv-07654-ES-MAH (the “First Action”);

7 WHEREAS on August 14, 2020, Interlink commenced a second action against Defendants
8 Xavier Becerra, Drew Bohan, and Melissa Rae King, in their capacities as California government
9 officials, in the New Jersey district court, which action bore case number 2:20-cv-10566-ES-
10 MAH (the “Second Action”);

11 WHEREAS on September 8, 2020, the New Jersey district court entered an order on the
12 parties’ stipulation that, *inter alia*, the Second Action be consolidated into the First Action for all
13 purposes and that Interlink’s claims against Defendants Wade Crowfoot and Lea Haro be
14 dismissed without prejudice (Dkt. 13 [the “September 8 Order”]);

15 WHEREAS, on September 8, 2020, an entry on the docket in the Second Action indicated
16 that that case was terminated per the September 8 Order;

17 WHEREAS, on September 11, 2020, the New Jersey district court held a video/telephone
18 conference and issued a minute order reflecting that the “controlling complaint is located in” the
19 Second Action (Dkt.15);

20 WHEREAS, in spite of the September 8 Order and the docket entry from that day in the
21 Second Action, the docket in the Second Action continued to reflect filings in that case;

22 WHEREAS, on November 16, 2020, the New Jersey district court ordered both the First
23 Action and the Second Action transferred to this Court (Dkt. 29);

24 WHEREAS, at the time of transfer, notwithstanding the consolidation order in the New
25 Jersey district court, the First Action was given case number 2:20-cv-02277-KJM-CKD and
26 assigned to the Hon. Kimberly J. Mueller, and the Second Action was given case number 2:20-

27 ¹ Robert Bonta has been nominated to succeed Xavier Becerra as Attorney General and will
28 be substituted upon confirmation. Fed. R. Civ. P. 25(d).

1 cv-02283-WBS-DB and assigned to the Hon. William B. Shubb;

2 WHEREAS, on November 25, 2020, the defendants in the First Action and Second Action
3 filed a Notice of Related Cases in each of those actions (Dkt. 35), and on December 10, 2020, this
4 Court entered a Related Case Order that reassigned the Second Action from Judge Shubb to this
5 Court (Dkt. 36);

6 WHEREAS the parties in both the First Action and the Second Action believe the cases
7 should remain consolidated under case number 2:20-cv-02277-KJM-CKD (i.e., the case number
8 of the transferred First Action) in this Court; and

9 WHEREAS, upon the entry of an order deeming the Second Action consolidated into the
10 First Action in this Court, Interlink intends to file a first amended complaint in the consolidated
11 action;

12 NOW, THEREFORE, THE PARTIES REQUEST THAT THE COURT ORDER AS
13 FOLLOWS:

14 1. The case of *Interlink Products International, Inc. v. Becerra et al.*, Case No. 2:20-
15 cv-02283-KJM-CKD, is hereby deemed consolidated into the case of *Interlink Products*
16 *International, Inc. v. Bohan*, Case No. 2:20-cv-02277, with all previous orders remaining in full
17 force and effect as if they had been issued in the consolidated action; and

18 2. Interlink shall have 30 days following the entry of this Order in which to file a first
19 amended complaint in the consolidated action.

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3. Defendants shall have 30 days following the filing of a first amended complaint in the consolidated action in which to file a responsive pleading.

Dated: April 8, 2021

/s/ Michael Tenenbaum

Michael Tenenbaum, Esq.

THE OFFICE OF MICHAEL TENENBAUM, ESQ.

Counsel for Plaintiff Interlink Products International, Inc.

XAVIER BECERRA

Attorney General of California

RUSSELL B. HILDRETH

Supervising Deputy Attorney General

Dated: April 8, 2021

/s/ Courtney Covington (as authorized on 4/8/21)

COURTNEY COVINGTON

Deputy Attorney General

Attorneys for Defendants

ORDER

The case of *Interlink Products International, Inc. v. Becerra et al.*, Case No. 2:20-cv-02283-KJM-CKD, is hereby consolidated into the case of *Interlink Products International, Inc. v. Bohan*, Case No. 2:20-cv-02277, with all previous orders remaining in full force and effect as if they had been issued in the consolidated action. Interlink shall file a first amended complaint in the consolidated action by May 17, 2021. Defendants shall file a responsive pleading to the first amended complaint by June 18, 2021. In the interest of judicial economy and on the court's own motion, the Status (Pretrial Scheduling) Conference set for 04/22/2021 is RESET for 07/08/2021 at 2:30 PM before Chief District Judge Kimberly J. Mueller, with the filing of a joint status report due fourteen (14) days prior.

IT IS SO ORDERED

DATED: April 14, 2021.



CHIEF UNITED STATES DISTRICT JUDGE